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**STATE OF IOWA**

**Senate Journal**

**TUESDAY, JANUARY 31, 2006**

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## JOURNAL OF THE SENATE

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TWENTY-THIRD CALENDAR DAY  
FOURTEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, January 31, 2006

The Senate met in regular session at 8:36 a.m., President Lamberti presiding.

Prayer was offered by the Reverend Kendall Meyer, pastor of the Gloria Dei Lutheran Church in Urbandale, Iowa. He was the guest of Senator Zaun.

The Journal of Monday, January 30, 2006, was approved.

### HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on January 30, 2006, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 2002**, a bill for an act increasing the standing amount required to be appropriated, reverted, or transferred to the credit of the senior living trust fund and including effective and retroactive applicability date provisions.

Read first time and referred to committee on **Appropriations**.

### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:44 a.m. until 8:30 a.m., Wednesday, February 1, 2006.

## APPENDIX

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Michael A. Douglas, Burlington—For achieving the rank of Eagle Scout, Boy Scout Troop 214. Senator Courtney (1/31/06).

Dickie Helm—For celebrating your 95th birthday. Senator Courtney (1/31/06).

Edwin and Merle Holmes, Burlington—For celebrating your 60th wedding anniversary. Senator Courtney (1/31/06).

Derrick Peterson, Wapello—For achieving the rank of Eagle Scout, Boy Scout Troop 16. Senator Courtney (1/31/06).

Mr. and Mrs. Duane and Anna Mae Petsche, Waterloo—For celebrating your 50th wedding anniversary. Senator Dotzler (1/31/06).

### COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

#### BOARD OF REGENTS

Annual Report on Board of Regents' Diversity and Minority and Women Educators Program, pursuant to Iowa Code section 19B.5(3). Report received on January 31, 2006.

#### IOWA WORKFORCE DEVELOPMENT

Annual Report, pursuant to Iowa Code sections 7E.3(4), 86.9, 91.4(5), and 96.11(1). Report received on January 31, 2006.

### REPORTS OF COMMITTEE MEETINGS

#### HUMAN RESOURCES

**Convened:** January 30, 2006, 5:05 p.m.

**Members Present:** Ragan and Seymour, Co-chairs; Behn, Boettger, Bolkcom, Dotzler, Gaskill, Hatch, Houser, Johnson, Kreiman, Quirmbach, Tinsman, and Wood.

**Members Absent:** None.

**Committee Business:** Approved [SSB 3012](#) and Governor's appointment.

**Adjourned:** 5:15 p.m.

#### JUDICIARY

**Convened:** January 30, 2006, 4:30 p.m.

**Members Present:** Kreiman and Miller, Co-chairs; Boettger, Brunkhorst, Dvorsky, Horn, McKibben, Tinsman, Ward, Warnstadt, and Zaun.

**Members Absent:** Fraise, Hancock, Larson, Quirnbach, and Schoenjahn (all excused).

**Committee Business:** Discussed subcommittees.

**Adjourned:** 4:35 p.m.

#### TRANSPORTATION

**Convened:** January 30, 2006, 5:00 p.m.

**Members Present:** Putney, Co-chair; Beall, Danielson, Hahn, Kettering, Shull, Ward, Warnstadt, and Zieman.

**Members Absent:** McCoy, Co-chair; Dearden and Fraise (all excused).

**Committee Business:** Presentation by the Department of Public Safety.

**Adjourned:** 5:40 p.m.

#### AGRICULTURE

**Convened:** January 31, 2006, 3:05 p.m.

**Members Present:** Fraise and Johnson, Co-chairs; Black, Courtney, Gaskill, Hahn, Hancock, Houser, Kibbie, Mulder, Ragan, and Rielly.

**Members Absent:** Brunkhorst and Putney (both excused).

**Committee Business:** Subcommittee assignments.

**Adjourned:** 3:10 p.m.

#### COMMERCE

**Convened:** January 31, 2006, 4:10 p.m.

**Members Present:** Behn and Warnstadt, Co-chairs; Angelo, Beall, Bolkcom, Courtney, Gronstal, Kettering, McKinley, Rielly, Stewart, Zaun, and Zieman.

**Members Absent:** Larson, McCoy, and Wieck (all excused).

**Committee Business:** Approved Governor's appointments.

**Adjourned:** 4:15 p.m.

#### **ECONOMIC GROWTH**

**Convened:** January 31, 2006, 1:05 p.m.

**Members Present:** Brunkhorst and Hatch, Co-chairs; Beall, Behn, Dotzler, Hahn, McKinley, Ragan, Rielly, Seymour, Shull, Stewart, and Zaun.

**Members Absent:** Danielson (excused).

**Committee Business:** Subcommittee assignments.

**Adjourned:** 1:15 p.m.

#### **GOVERNMENT OVERSIGHT**

**Convened:** January 31, 2006, 10:00 a.m.

**Members Present:** Courtney and Lundby, Co-chairs; Connolly and Wieck.

**Members Absent:** None.

**Committee Business:** Presentation by Department of Agriculture and Land Stewardship.

**Adjourned:** 11:35 a.m.

#### **HUMAN RESOURCES**

**Convened:** January 31, 2006, 2:05 p.m.

**Members Present:** Ragan and Seymour, Co-chairs; Behn, Boettger, Bolkcom, Dotzler, Gaskill, Hatch, Johnson, Kreiman, Quirnbach, Tinsman, and Wood.

**Members Absent:** Houser (excused).

**Committee Business:** Approved Governor's appointments and subcommittee assignments.

**Adjourned:** 2:15 p.m.

#### **NATURAL RESOURCES AND ENVIRONMENT**

**Convened:** January 31, 2006, 1:10 p.m.

**Members Present:** Black, Co-chair; Bolkcom, Dearden, Gaskill, Hancock, Johnson, Kettering, Lundby, Miller, Putney, Schoenjahn, Seng, and Wood.

**Members Absent:** Houser, Co-chair (excused).

**Committee Business:** Presentation by Clear Lake Preservation Society.

**Adjourned:** 2:00 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION**

**Convened:** January 31, 2006, 9:35 a.m.

**Members Present:** Putney and Stewart, Co-chairs; McCoy, Mulder, and Ziemann.

**Members Absent:** Dvorsky (excused).

**Committee Business:** Presentations by the Governor's Office and the LSA.

**Adjourned:** 10:35 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES**

**Convened:** January 31, 2006, 9:45 a.m.

**Members Present:** Gaskill and Seng, Co-chairs; Hahn and Schoenjahn.

**Members Absent:** Black and Houser.

**Committee Business:** Presentation by Iowa State University.

**Adjourned:** 10:15 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT**

**Convened:** January 31, 2006, 9:35 a.m.

**Members Present:** Dotzler and Ward, Co-chairs; Behn, Brunkhorst, Danielson, and Rielly.

**Members Absent:** None.

**Committee Business:** Presentation by Iowa Workforce Development.

**Adjourned:** 10:50 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** January 31, 2006, 9:40 a.m.

**Members Present:** Boettger and Horn, Co-chairs; McKinley, Shull, and Wood.

**Members Absent:** Quirnbach (excused).

**Committee Business:** Presentation by the Department of Education.

**Adjourned:** 11:35 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES**

**Convened:** January 31, 2006, 10:30 a.m.

**Members Present:** Hatch and Tinsman, Co-chairs; Bolkcom, Johnson, Ragan, and Seymour.

**Members Absent:** None.

**Committee Business:** Presentations by the Department of Health and Human Services and the Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission.

**Adjourned:** 11:40 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** January 31, 2006, 9:45 a.m.

**Members Present:** McKibben, Co-chair; Hancock, Kreiman, and Miller.

**Members Absent:** Fraise, Co-chair; and Larson (both excused).

**Committee Business:** Presentations by Board of Parole and Iowa Correctional Institution for Women at Mitchellville.

**Adjourned:** 10:45 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,  
INFRASTRUCTURE, AND CAPITALS**

**Convened:** January 31, 2006, 9:35 a.m.

**Members Present:** Kettering and Warnstadt, Co-chairs; Beall, Dearden, and Zaun.

**Members Absent:** Angelo (excused).

**Committee Business:** Presentations by the Department of Agriculture and Land Stewardship, Department of Natural Resources, Iowa Finance Authority, and Legislative Fiscal Bureau.

**Adjourned:** 10:25 a.m.

**INTRODUCTION OF RESOLUTION**

**[Senate Resolution 106](#)**, by Dotzler and Danielson, a resolution honoring the University of Northern Iowa Football Team.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

#### INTRODUCTION OF BILLS

[Senate File 2109](#), by Hatch and Bolkcom, a bill for an act concerning the employment of unauthorized aliens and human trafficking and providing penalties and other sanctions and an appropriation.

Read first time under Rule 28 and referred to committee on **Judiciary**.

[Senate File 2110](#), by Lamberti, a bill for an act requiring impoundment of a motor vehicle for certain motor vehicle licensure and proof of financial responsibility offenses.

Read first time under Rule 28 and referred to committee on **Judiciary**.

[Senate File 2111](#), by Ward, a bill for an act providing grounds for termination of parental rights under certain circumstances for parents convicted of certain felonies.

Read first time under Rule 28 and referred to committee on **Judiciary**.

[Senate File 2112](#), by Rielly and Hancock, a bill for an act relating to an exception from emergency medical care requirements for persons providing care within the scope of their certification.

Read first time under Rule 28 and referred to committee on **Human Resources**.

[Senate File 2113](#), by Angelo, Johnson, Hahn, Kettering, Seymour, Boettger, Zieman, McKibben, Iverson, Behn, Gaskill, Wieck, McKinley, and Brunkhorst, a bill for an act relating to a property assessment adjustment for certain elderly persons and including retroactive applicability date provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

[Senate File 2114](#), by Lamberti, a bill for an act making an appropriation for victim assistance grants.

Read first time under Rule 28 and referred to committee on **Appropriations**.

[Senate File 2115](#), by Lamberti, a bill for an act relating to and making appropriations concerning veterans.

Read first time under Rule 28 and referred to committee on **Appropriations**.

[Senate File 2116](#), by Warnstadt and Wieck, a bill for an act allowing a city to include or exclude a secondary road and its right-of-way in the land area proposed for incorporation, annexation, or severance.

Read first time under Rule 28 and referred to committee on **Local Government**.

[Senate File 2117](#), by Warnstadt and Wieck, a bill for an act relating to enterprise zone certifications.

Read first time under Rule 28 and referred to committee on **Economic Growth**.

[Senate File 2118](#), by Warnstadt, a bill for an act relating to and making an appropriation for the remodeling and renovation of the sexually violent predators unit at the state mental health institute at Cherokee.

Read first time under Rule 28 and referred to committee on **Appropriations**.

[Senate File 2119](#), by Warnstadt, a bill for an act making appropriations for certain health-related programs.

Read first time under Rule 28 and referred to committee on **Appropriations**.

[Senate File 2120](#), by Black, Dearden, and Gronstal, a bill for an act providing for an upland game bird fee, making an appropriation, creating programs, and providing for a penalty.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

[Senate File 2121](#), by Warnstadt, Beall, Dearden, Behn, Gronstal, Dotzler, Quirnbach, Courtney, Black, Schoenjahn, Seng, Reilly, Danielson, Dvorsky, Fraise, Ragan, Hatch, Brunkhorst, Horn, Shull, Johnson, McKibben, Lundby, Hancock, and Wieck, a bill for an act relating to safe motor vehicle operation, including penalties for certain motor vehicle violations resulting in death or injury and classroom instruction for driver education courses.

Read first time under Rule 28 and referred to committee on **Transportation**.

[Senate File 2122](#), by Hatch, a bill for an act to require a landlord to have good cause to terminate a mobile home space rental agreement.

Read first time under Rule 28 and referred to committee on **Judiciary**.

[Senate File 2123](#), by Courtney, a bill for an act authorizing the governor to designate April of each year as Aldo Leopold month.

Read first time under Rule 28 and referred to committee on **Agriculture**.

[Senate File 2124](#), by committee on Human Resources, a bill for an act providing for the establishment of a nutrition and physical activity community obesity prevention grant program, and providing a contingent effective date.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 2125**, by Johnson and Beall, a bill for an act relating to the publication of official notices in English language newspapers.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate File 2126**, by Beall, Bolkcom, and Schoenjahn, a bill for an act relating to the amount of reimbursement paid to dealers or persons operating redemption centers who redeem empty beverage containers.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

**Senate File 2127**, by Beall and Johnson, a bill for an act relating to vessels towing persons on water skis, surfboards, or similar devices and providing penalties.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

**Senate File 2128**, by Dotzler, a bill for an act concerning requirements applicable to social gambling games between individuals and in places with a liquor or beer permit or license.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate File 2129**, by Johnson, Lamberti, Iverson, Zieman, Kettering, Seymour, Mulder, Boettger, Tinsman, Brunkhorst, McKinley, McKibben, Hahn, Wieck, Behn, Zaun, Miller, Shull, Houser, Gaskill, Ward, Angelo, Larson, and Putney, a bill for an act providing for state petroleum replacement, by providing for renewable fuel including ethanol blended fuel and biodiesel blended fuel, providing incentives for infrastructure used to store and dispense renewable fuel, income tax credits, and an appropriation, providing penalties, making penalties applicable, and providing an applicability date.

Read first time under Rule 28 and referred to committee on **Agriculture**.

**Senate File 2130**, by Kibbie, Fraise, Schoenjahn, Wood, Dearden, Hancock, Seng, Courtney, Dotzler, Danielson, Kreiman, Bolkcom, Connolly, Beall, Stewart, Ragan, Hatch, and Dvorsky, a bill for an act relating to motor vehicle fuel by providing for the establishment of standards, providing for tax credits, and providing for applicability and effective dates.

Read first time under Rule 28 and **passed on file**.

#### STUDY BILLS RECEIVED

**SSB 3054**      **Natural Resources and Environment**

Relating to renewable fuel, including ethanol blended fuel and biodiesel blended fuel, providing for tax credits, and providing penalties.

**SSB 3055**      **Transportation**

Providing for regulation of motor vehicles by the state department of transportation, including motor vehicle registration and fees, commercial driver licensing, wholesaler licensing, vehicle braking requirements, vehicle length restrictions, proof of financial responsibility requirements, and persons with disabilities parking permits.

**SSB 3056**      **Natural Resources and Environment**

Relating to water quality standards.

**SSB 3057**      **Natural Resources and Environment**

Relating to regulation of the harvesting of commercial fish, turtles, and freshwater mussels and providing for fees and penalties.

**SSB 3058**      **Natural Resources and Environment**

Requiring certain minor children to wear personal flotation devices while on board certain vessels operated on state waters.

**SSB 3059      Natural Resources and Environment**

Relating to hunting and fishing licenses for certain veterans.

**SSB 3060      Education**

Relating to a math and science teacher salary supplement and making an appropriation.

**SSB 3061      Commerce**

Providing for temporary licensure of real estate brokers and sales persons.

**SSB 3062      Economic Growth**

Relating to projects identified under the Iowa great places program.

**SSB 3063      Education**

To nullify an administrative rule of the state board of regents relating to admission of undergraduate students directly from high school and providing an effective date.

**SSB 3065      Education**

Relating to the minimum hours of instructional school time for grades one through twelve for school districts, charter schools, and accredited nonpublic schools.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 2006**

NATURAL RESOURCES AND ENVIRONMENT: Dearden and Gaskill, Co-chairs; Hancock and Johnson

**Senate File 2011**

NATURAL RESOURCES AND ENVIRONMENT: Miller and Seng, Co-chairs; Black and Johnson

[Senate File 2085](#)

NATURAL RESOURCES AND ENVIRONMENT: Bolcom and Johnson, Co-chairs;  
Kettering and Wood

[Senate File 2088](#)

AGRICULTURE: Black and Hahn, Co-chairs; Kibbie and Putney

[Senate File 2101](#)

TRANSPORTATION: Ward and Warnstadt, Co-chairs; Fraise and Shull

[Senate File 2105](#)

TRANSPORTATION: Kettering and Warnstadt, Co-chairs; Beall and Shull

[Senate File 2108](#)

EDUCATION: Angelo and Quirnbach, Co-chairs; Boettger and Dvorsky

[Senate File 2123](#)

AGRICULTURE: Courtney and Johnson, Co-chairs; Black and Hahn

[House File 2095](#)

EDUCATION: Angelo and Connolly, Co-chairs; Dvorsky and McKinley

[SSB 3054](#)

NATURAL RESOURCES AND ENVIRONMENT: Black and Houser, Co-chairs;  
Gaskill, Hancock, Putney, and Schoenjahn

[SSB 3055](#)

TRANSPORTATION: McCoy and Putney, Co-chairs; Danielson and Shull

[SSB 3056](#)

NATURAL RESOURCES AND ENVIRONMENT: Lundby and Wood, Co-chairs;  
Black, Houser, Kettering, and Schoenjahn

[SSB 3057](#)

NATURAL RESOURCES AND ENVIRONMENT: Kettering and Seng, Co-chairs;  
Johnson and Wood

[SSB 3058](#)

NATURAL RESOURCES AND ENVIRONMENT: Hancock and Miller, Co-chairs;  
Kettering and Schoenjahn

**SSB 3059**

NATURAL RESOURCES AND ENVIRONMENT: Dearden and Kettering, Co-chairs;  
Hancock and Johnson

**SSB 3060**

EDUCATION: Brunkhorst and Quirmbach, Co-chairs; Dvorsky and McKinley

**SSB 3061**

COMMERCE: Beall and Behn, Co-chairs; McKinley and Stewart

**SSB 3062**

ECONOMIC GROWTH: Ragan and Shull, Co-chairs; Hahn and Stewart

**SSB 3063**

EDUCATION: Boettger and Dvorsky, Co-chairs; McKinley and Schoenjahn

**SSB 3065**

EDUCATION: Mulder and Wood, Co-chairs; Brunkhorst and Connolly

**FINAL COMMITTEE REPORT OF BILL ACTION****HUMAN RESOURCES**

**Bill Title:** [SENATE FILE 2124 \(SSB 3012\)](#), a bill for an act providing for the establishment of a nutrition and physical activity community obesity prevention grant program, and providing a contingent effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Ragan, Seymour, Behn, Boettger, Bolkom, Dotzler, Gaskill, Hatch, Houser, Johnson, Kreiman, Quirmbach, Tinsman, and Wood. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**GOVERNOR'S APPOINTEES PLACED ON  
EN BLOC CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendation for confirmation:

**COMMERCE**

Michael Mahaffey – Iowa Telecommunications and Technology Commission

Curtis W. Stamp – Utilities Board

**HUMAN RESOURCES**

Janice Heikes – Mental Health, Mental Retardation, Developmental Disabilities,  
and Brain Injury Commission

Marianne (Mary) Nehus – Prevention of Disabilities Policy Council

Andrea Coziahr – Commission on Tobacco Use Prevention and Control

Carla Espinoza – Commission on the Status of Women

**AMENDMENTS FILED**

<a href="#"><u>S-5001</u></a>	<a href="#"><u>S.F. 2056</u></a>	Jeff Angelo
		Robert E. Dvorsky
<a href="#"><u>S-5002</u></a>	<a href="#"><u>S.F. 2086</u></a>	Herman C. Quirnbach